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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,492	12/06/1999	CLAUDIO R. BALLARD	P43312	3808
40401	7590	07/15/2009		
Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314			EXAMINER WEISBERGER, RICHARD C	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 07/15/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net
patent@hershkovitz.net

Office Action Summary

Application No.

09/454,492

Applicant(s)

BALLARD, CLAUDIO R.

Examiner

Richard C. Weisberger

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-59 and 61-79 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 56-59 and 61-79 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No./Mail Date: ____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION
Information Disclosure Statement

The applicant has submitted a large number of references, including a substantial number of non-patent literature documents. Accordingly, the applicant is reminded that consideration by the examiner of the information submitted in an IDS means nothing more than considering the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. If the applicant is aware of any specific teaching within the references that are relevant to the claimed invention, please include page and line numbers directed thereto.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 58 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim as amended fails to act within or on a statutory apparatus.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 56,57,61,62,66,71,76 and 77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

A method for central management, storage and verification of at least one of (a) at least one remotely captured electronic transaction and (b) at least one paper transaction transactions from at least one of electronic transactions documents, and receipts, comprising utilizing at least one remote subsystem for capturing and sending transaction data from at least one -remote subsystem location to at least one central subsystem; utilizing said at least one central subsystem to manage the capturing and sending of the transaction data; collecting, processing, sending and storing the transaction data within said at least one central subsystem; utilizing at least one of said at least one central subsystem to manage the collecting, processing, sending, and storing of the captured transaction at a central location, including comparing transaction data to stored transaction data for verification; and transmitting the transaction data within and between at least one of the at least one or more remote subsystem location and the central location, wherein the said step of utilizing at least one of said at least one central subsystem to manage the collecting, processing, sending and storing further comprises step of performing said paper transactions by transferring funds electronically from a payer bank to a payee bank is not supported by the specification. The applicant seems to have pieced together various teaching of within the specification to craft a new invention. First there is no support for the central subsystem to perform the steps of comparing the transaction data to the stored transaction data (presumably the stored transaction data is that from the electronic transaction). Second, the only teaching directed to central management of an electronic transaction and a paper transaction is that employing a scanner and a data entry terminal at a customer site (specification, page 6). There is no teaching directed to transferring funds electronically from a payer to a payee bank associated with this invention. First, Moreover, there is no support for comparing the central subsystem. Third, there is no teaching for the data to comprise biometric data within this invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 56,61 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims "stored transaction data" (claim 56) is vague and indefinite as to the antecedent basis. There appears to be two sources of data the electronic transaction data and the paper record of the transaction. Accordingly, which data is the stored data and which is the scanned paper receipt data? Claims 61 and 62 are indefinite as the sources of the transaction data are being used interchangeably. Moreover, paper documents fails to further limit the invention as it is already within the independent claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 58,63 are rejected under 35 U.S.C. 102(b) as being anticipated by IBM Financial

Document Processing

A method for central management, storage, and verification of remotely captured transactions comprising capturing and sending transaction data at least one remote location, managing and capturing and sending of the transaction data; collecting, processing, sending and storing the transaction data at a central location; managing the collecting, processing, sending and storing of the transaction data; transmitting the transaction data and information among at least one of the at least one remote location and the central location (see section 2.1.1.1.1 and elsewhere, where the scanned check is the capturing step)

Claim Rejections - 35 USC § 103

Claims 59,64,68,69,73,74,78,79 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Financial Document Processing.

The reference fails to teach of encrypting the data. This step and the use therefor as in intermediary step of electronic data transmission would have been obvious for one skilled in the art at the time as motivated by the need to secure the information.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 61,64,69,74 rejected under 35 U.S.C. 102(b) as being anticipated by Claus et al. US patent 5559313.

The claims are clearly anticipated by Figure 8 and the description therefor.

Claim Rejections - 35 USC § 103

Claims 59,64,69,74 and 76-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5559313.

The patent is discussed above but fails to teach the encryption step. This step and the use therefor as in intermediary step of electronic data transmission would have been obvious for one skilled in the art at the time as motivated by the need to secure the information. The claims fail to teach of biometric data. It would have been obvious for one skilled in the art to include biometric data as motivated by the need to increase security.

Double Patenting

Claims 58,59,61-69 are rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 26-50 and 106-109 of U.S. Patent No. 5910988. Although the conflicting

claims are not identical, they are not patentably distinct from each other because they are commensurate in scope and/or it would have been obvious for one skilled in the art to include biometric data as motivated by the need to increase security.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard C Weisberger
Primary Examiner
Art Unit 3693

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